

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

938 CIVIL APPLICATION NO. 840 OF 2017

IN

CIVIL REVISION APPLIATION (ST)1496/2017

INDRAJIT BALWANTRAO PATIL, DIED THROUGH HIS L.RS.

VINAYAK INDRAJIT PATIL AND OTHE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOER,
OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr Gastgar Santosh B.

AGP for Respondents 1 & 2: Mr. B. A. Shinde

Advocate for Respondent No.3 : Mr. S. G. Sangle

CORAM : K. L. WADANE, J.

DATE : 7th September, 2017

ORDER:

1. Heard.

2. This is an application for condonation of delay of 2890 days caused in filing the revision application.

3. The reasons stated in the application are that father of the applicants namely Indrajit Patil was looking after the matter pending before the Reference Court, however, he died on 2nd October, 2004. During his life time, he has not disclosed anything about the pendency of the land acquisition reference. The applicants were shifted from village Kolsur to some other place in Karnataka State and therefore, they were unable to know about the position of the reference

filed by their father. Some of the villagers have received the compensation and one of the friends of the father of the applicants enquired with the applicants as to whether the reference filed by the father of the applicants was decided or not. On enquiry, the applicants came to know about the ex-parte order. In that process, the delay has been caused.

4. It is true that delay is of 2890 days, however, the period of delay is no relevant when it is properly explained. From the grounds stated in the application, it appears that the delay is satisfactorily explained by the applicants.

5. In view of the observations made by the Supreme Court in the case of **Ramanlal Deochand Shah Vs. State of Maharashtra and another, reported in AIR 2013 SC 3452**, the delay can be condoned on the condition that in case the applicants succeeded in the revision, then they will not be entitled for the amount of interest on monetary benefits and/or other statutory benefits for the period of delay.

6. In view of the above, the delay caused in filing the revision is hereby condoned. Civil application is accordingly disposed of.

7. Civil Revision application be registered. After registration of the Revision, issue notice to the respondents. Learned AGP waives service of notice for respondent No.1 and 2. Mr. Sangale, the learned counsel waives notice for respondent No.3.

8. Call for record and proceeding.

(K. L. WADANE, J.)

JPC